

February 21, 2019

Mr. Devin Leary
Human & Rohde, Inc.
516 Virginia Avenue
Towson, Maryland 21286

Re: Corcoran (Anthony and Margaret) Property
Forest Buffer Variance
Tracking # 03-19-2901

Dear Mr. Leary:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Water Quality Law) was received by the Department of Environmental Protection and Sustainability (EPS) on January 15, 2019. This variance seeks to allow the continued existing use of 23,880 square feet (0.55 acres) of Forest Buffer Easement for an existing dwelling, garage/driveway, stable, yard area, propane tank and septic system associated with this long-standing residential property. The Forest Buffer Easement is being required as a result of a proposed minor subdivision of the split-zoned RC-2 & RC-8 parcel into 3 separate lots. The applicant proposes to mitigate these impacts by removing a 320-square foot outbuilding from the portion of the Forest Buffer area to be left undisturbed, planting 23,880 square feet of the Forest Buffer Easement with native trees, and posting the Forest Buffer area to be left undisturbed with "Forest Buffer – Do Not Disturb" signs along its boundary with the residentially disturbed area within the full Forest Buffer Easement.

The Forest Buffer Easement is being established from Silver Run, a Use III-P stream (trout & potable water supply) and its adjacent wetlands that are tributary to Gunpowder River. The approximately 5.6-acre Forest Buffer Easement was delineated in accordance with Section 33-3-111 of the Water Quality Law. The combination Forest Buffer Protection and Forest Conservation Plan (FBP/FCP) included with the variance request illustrates mitigation of the impacts at a 1:1 ratio with tree planting that will fill in a lawn area that forms a gap within the forested buffer area. The retained forest is also intended to satisfy the project's Forest Conservation Law requirements. The property owners will record the full extent of the Forest Buffer Easement and any Forest Buffer & Forest Conservation Easement along the associated Declarations of Protective Covenants, Conditions and Restrictions.

This Department has reviewed your request and has determined that a practical difficulty in fully meeting the Water Quality Law exists, in that both the structures and residential practices within the required Forest Buffer area predate this Law. Furthermore, we find that the potential for impacts to water quality as a result of this proposal can be adequately minimized by performing mitigative measures including, but not limited to, those proposed in the variance application. Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code with the following conditions:

1. The full Forest Buffer Easement delineated in accordance with Section 33-3-111 of the Water Quality Law shall be recorded via the right of way plat process. However, the limit of functioning Forest Buffer may be reduced to the edge of the existing treeline that parallels the driveway and the edge of the proposed mitigation planting area that is to the northeast of the bank barn. Once the uses authorized by this variance cease, the recorded Forest Buffer Easement shall be subject to the full extent of the Water Quality Law.
2. As proposed, impacts to the Forest Buffer Easement shall be mitigated by planting 23,880 square feet of Forest Buffer area onsite. Trees shall be native deciduous species a minimum 1-inch caliper and planted at a density of 200 stems per acre.
3. Surveyed limits of the non-disturbance portion of the Forest Buffer Easement shall be clearly marked onsite at 100-foot intervals and significant turning points with permanent "Forest Buffer-Do Not Disturb" signs to facilitate identification of buffer limits by all involved parties. These signs, which are available from private sign contractors (see Enclosure 1), shall be installed prior to building permit approvals or September 21, 2019, whichever comes first.
4. A combination, final FBP/FCP detailing the proposed planting and addressing the subsequent review comments from EPS staff and reflecting the conditions of this variance shall be submitted along with an itemized cost estimate for its implementation. The FBP/FCP mylar and its cost estimate shall be approved by EPS prior to minor subdivision plan approval for this project.
5. A FBP security based on 110% of the EPS-approved cost estimate shall be posted via an Environmental Agreement (EA) prior to signature of the subdivision mylar. Release of the FBP security shall be in accordance with the enclosed EA policy (see Enclosure 2).
6. The Forest Buffer Easement and Forest Buffer & Forest Conservation Easement and associated Declarations of Protective Covenants, Conditions shall be recorded

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in the Land Records of Baltimore County via the right-of-way plat process prior to approval of the minor subdivision plan.

7. The following note must appear on all subsequent plans submitted for this project:

- “A variance was granted on February 21, 2019, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The area of continued use within the Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including the removal of a 320-square foot structure from within the buffer, planting 23,880 square feet of this buffer, and posting protective signs along the boundary of the functioning Forest Buffer Easement.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the property owners sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL/msk

Enclosures (2)

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I/we agree to the above conditions to bring my/our property into compliance with Law
for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner's Signature Date

Property Owner's Signature Date

Printed Name

Printed Name